CITY OF ISSAQUAH
DEVELOPMENT SERVICES DEPARTMENT
ADMINISTRATIVE REVIEW

NOTICE OF DECISION

TO: Sheldon Lynne, Public Works Director
City of Issaquah Public Works Engineering Department
P.O. Box 1307
Issaquah, WA. 98027

SUBJECT: **North Issaquah Roadway Network Improvements: Administrative Site Development Permit and Shoreline Substantial Development Permit**

APPLICATION: ASDP13-00001/SHO13-00007

DATE OF DECISION: September 23, 2014

REQUEST:

Application for Administrative Site Development Permit to review clearing/grading actions involving critical areas and associated buffers (Issaquah Creek, North Fork of Issaquah Creek and wetlands).

Application for a Shoreline Substantial Development Permit for project improvements located within the shoreline jurisdiction of Issaquah Creek.

PROJECT DESCRIPTION:

The City of Issaquah is proposing to construct a new roadway and bridge crossings of Issaquah Creek (mainstem and North Fork) along with other various roadway improvements to reduce existing traffic congestion and enhance the transportation network's future capacity for vehicle and non-motorized use.

The project improvements include:

1. New Roadway Connection – Construct a new road extension of SE 62nd St from 221st Pl SE to Lake Drive; providing an additional road access to the Pickering Place shopping area from East Lake Sammamish Parkway. Roundabouts would be constructed at the east and west ends of the new roadway. The east roundabout would include an exclusive northbound to eastbound slip lane to serve the heavy right turn movement from 4th Ave NW to SE 62nd St. The new roadway would include two vehicle travel lanes, bicycle lanes and sidewalks. New bridges would be constructed to cross Issaquah Creek and the North Fork Issaquah Creek. The new road would be elevated to minimize impacts to wetlands and to allow floodwater passage. The south portion of Lake Drive, north of the west roundabout, would be improved with 2 traffic lanes, bicycle lanes and sidewalks.
2. SE 62nd Street - Widen SE 62nd Street from two to four lanes at the intersection with East Lake Sammamish Parkway; including 2 exclusive right-turn lanes, a single through-lane and a single left turn lane. This improvement is consistent with the road design for SE 62nd St as identified in the previous I-90 Undercrossing Study (4th Ave NW). A new one to two lane

roundabout would be constructed at the west end of SE 62nd St to connect to the new elevated roadway and to 221st Place SE.

3. East Lake Sammamish Parkway - Widen the west side of East Lake Sammamish Parkway SE between Black Nugget Road and Issaquah-Fall City Road; to add a second southbound vehicle through-lane, sidewalk and bicycle lane.
4. 221st Place SE - Improve east side of 221st Pl SE from SE 56th St to SE 62nd St; to complete sections of curb, gutter, and sidewalk, add landscape pockets, and stormwater improvements. No improvements are planned along the west side of 221st Pl SE to avoid further encroachment into the stream buffer of the North Fork of Issaquah Creek.
5. SR-900 & 12th Avenue NW Intersection – Add a northbound to eastbound exclusive right turn lane on SR-900 (17th Ave NW) at the intersection with 12th Ave NW, and widen 12th Ave NW to add a second westbound to southbound left turn lane approaching the intersection at SR-900.

LOCATION: Proposed road improvements are located in the North Issaquah area: north of Interstate-90, east of SR-900, west of East Lake Sammamish Parkway, and south of NW Sammamish Road. See project description above for more exact locations. The project improvements are more generally located in Sections 20 and 21, Township 24 North, Range 6 East.

DECISION MADE: Approval of this application is based on application materials and supporting technical studies listed as Exhibits at the back of this report.

On September 23, 2014, the Development Services Department conditionally approved the Administrative Site Development Permit and the Shoreline Substantial Development Permit for the above proposal, subject to the following conditions:

1. Specific impacts to wetlands/wetland buffers and stream buffers may change with the refinement of designs for the road improvements. The required mitigation may be adjusted proportionately to the project impacts, provided the mitigation ratios are consistent with the City's Critical Areas Regulations. Where the City's code doesn't specify a mitigation ratio for a type of impact, the mitigation shall adhere to the ratios and approach included in the critical area study for this project. (SEPA mitigation measure)

2. Final wetland/stream mitigation plans are required for approval by the Issaquah Development Services Department (DSD) prior to issuing construction permits. Final mitigation plans shall include a planting plan, grading plan, and a 5-year monitoring/ maintenance plan with performance standards for monitoring success of the enhancement planting and stream restoration. (SEPA mitigation measure)

3. Additional cultural resources review shall be conducted when project design plans are further developed and refined. The review shall include subsurface investigation to assess potential project impacts. The cultural resources review shall be submitted prior to issuance of construction permits. (SEPA mitigation measure)

4. The City shall obtain all State and Federal permits and authorizations for wetland and stream impacts prior to beginning any clearing or ground disturbance activities.

REASONS FOR DECISION:

1. Permit Review Process: "Roads" are not identified in the Table of Permitted Land Uses (IMC 18.06.130), so there is no specific land use permit required for road projects.

The proposal includes "clearing, grading or filling actions" within critical areas and buffers, which requires a Level 1 Review in accordance with IMC 18.04.360.E and IMC Table 18.04.100-1. A Level 1 Review is an administrative decision and no notice to adjacent property owners is required.

A Shoreline Substantial Development Permit is required for project improvements located within the shoreline jurisdiction of Issaquah Creek; within 200 feet of the ordinary high water mark (OHWM) of Issaquah Creek and associated wetlands. A Shoreline Substantial Development Permit requires a Level 2 Review: notice to adjacent property owners within 300 feet of the proposal, legal notice in the local newspaper, and a Shoreline Public Meeting. A Notice of Application and a notice of the Shoreline Public Meeting were sent to adjacent property owners on April 26, 2013 (Exhibit 4). A legal notice for the Shoreline Permit and Shoreline Public Meeting was published in the Issaquah Press on May 1, 2013 (Exhibit 5).

A Shoreline Public Meeting was held on May 21, 2013 before the City's River & Streams Board. The River & Streams Board also had an opportunity to review and comment on the proposal. A copy of the meeting minutes is included as Exhibit 6.

2. SEPA Environmental Review: A SEPA Mitigated Determination of Nonsignificance (MDNS) was issued on August 6, 2014. The SEPA Determination is attached as Exhibit 7. The SEPA mitigation measures are required as permit conditions of approval with this notice of decision. The SEPA determination was appealed by Randy Bass, represented by attorney Bill Williamson. The SEPA appeal will be heard by the City's Hearing Examiner.

3. Road Standards: The Land Use Code does not include development standards specific to road dimensions, configuration, and associated facilities. The North Issaquah roadway improvements have been designed consistent with the vision and long-term objectives of the Issaquah Central Plan, and with the road standards in the Central Issaquah Development Design Standards to the extent feasible.

4. Clearing, Grading or Filling Actions: The proposal would result in a total of 6,866 SF of direct wetland fill impacts, 2,564 SF of indirect impacts and 570 SF of fragmentation impacts. Direct impacts would result from fill activity associated with construction of roads and retaining walls. Indirect impacts are due primarily to shading from the elevated new road connection between SE 6^{2nd} Street/22^{1st} Place SE and Lake Drive. Fragmentation impacts are where the total wetland area would be reduced by more than half or where wetland areas would be disconnected from the main body of the wetland making them unsustainable over the long term.

The proposal would also result in impacts to wetland and stream buffer areas. The proposal would directly impact 39,527 SF (0.91 acres) of wetland/stream buffer. There would be 29,477 SF (0.68 acres) of indirect buffer impacts resulting from shading due to the bridges/elevated structures. The proposal would also result in 27,781 SF of temporary buffer impacts; resulting from clearing and re-grading slopes adjacent to the proposed roadway improvements.

The proposal would mitigate for direct and indirect wetland impacts, consistent with the City's Critical Areas Regulations. The City's regulations establish mitigation/replacement ratios for impacts to wetlands, consistent with the Washington State Department of Ecology (DOE) guidance, *Wetland Mitigation in Washington State – Part 1: Agency Policies and Guidance* (Ecology, 2006a).

Direct, permanent impacts to Category II wetlands require 3:1 ratio of wetland creation or reestablishment relative to impacts. Category III wetlands require a 2:1 mitigation ratio and Category IV wetlands (greater than 2,500 SF) require a 1.5:1 mitigation ratio.

Indirect project impacts resulting from shading of bridge/elevated structures would result in impacts to wetland functions and values because the shading would prevent growth of woody vegetation, though some functions (hydrologic) would remain. Mitigation for indirect impacts is not specifically addressed in City code or agency guidance. The project proponent proposes wetland creation or reestablishment at a 1:1 mitigation ratio for indirect impacts to emergent plant communities and 1.25:1 for scrub-shrub and forested plant communities.

Table 9. Proposed Mitigation Summary

Type of Impact	Impact Area Acres, (linear feet, lf)	Mitigation Area Required, Acres	Mitigation Area Proposed, Acres (linear feet, lf)	Type of Mitigation Proposed	Mitigation Location
Wetland					
Direct	0.16	0.31	0.06	Creation	On-site
			0.25	Reestablishment	Off-site
			0.14 [a]	Enhancement	On-site
			0.18 [a]	Enhancement	Off-site
Indirect	0.07	0.08	0.08	Reestablishment	Off-site
Total	**0.23**	**0.39**	**0.71**		
Stream					
Direct	0.12 (268 lf)	--	(879 lf)	Relocation	On-site
Indirect	0.11 (114 lf)	--			
Total	**0.23 (382 lf)**	**--**	**(879 lf)**		
Buffer					
Direct	0.91	--	1.4	Enhancement	Off-site
Indirect	0.67	--	2.09 [a]	Restoration/ Enhancement	On-site
Temporary	0.64	--			
Total	**2.25**	**--**	**3.49**		

[a] Additional wetland and buffer enhancement has been provided in anticipation of potential impacts that are currently undetermined (e.g., bridge abutments, bridge pilings, construction access, etc.). Project impacts and associated mitigation acreage will be adjusted accordingly during future design phases. Minimum ratios identified in Section 5.1.4 will be met.

5. Shoreline Master Program – Shoreline Substantial Development Permit: The new road extension connecting SE 62nd St/221st Pl SE to Lake Drive in the Pickering Place shopping area would be within the shoreline jurisdiction of Issaquah Creek, located in the Issaquah Creek Urban Conservancy Shoreline Environment Designation. The road extension includes new bridges constructed to cross Issaquah Creek and the North Fork Issaquah Creek. The new road would be elevated to minimize impacts to wetlands and to allow floodwater passage. The project's off-site mitigation area would also be inside shoreline jurisdiction.

The new road is listed as a permitted shoreline use, "Transportation Use and Development," in the Urban Conservancy Shoreline Environment Designation. The Shoreline Master Program (SMP) includes policies (5.17.1) and regulations (5.17.2) that apply to transportation facilities in all the Shoreline Environment Designations. The proposed road improvements meet the regulations for transportation facilities as follows:

Transportation Facilities

5.17.2 Regulations

1. *Transportation regulations shall apply to any use or development where transportation infrastructure is or is proposed to be a primary land use, including new or expanded roadways and parking facilities.*

   Finding – Roads are allowed as a primary permitted use in the Urban Conservancy Shoreline Environment Designation in Table 1, Permitted Shoreline Uses.

2. *Transportation uses and development shall be carried out in a manner that maintains or improves State water quality standards for receiving waters through implementation of state and City stormwater regulations.*

   Finding - The road improvements will include stormwater management facilities to comply with the City's adopted Surface Water Design Manual (IMC Chapter 13.28), the NPDES Phase 2 Municipal Stormwater Permit, and other requirements in effect at the time of construction permit submittal. Compliance with City stormwater requirements would mitigate impacts on receiving waters, following State Department of Ecology design criteria as dictated through the Phase 2 permit and reflected in the adopted Surface Water Design Manual.

3. *New transportation facilities and improvements to existing transportation facilities, not including public trails, shall be located outside of the shoreline buffer, unless there is no feasible alternative. Any required impacts within the shoreline buffer shall meet standards of mitigation, as specified by this Program.*

   Finding - The proposed road improvements are located outside of shoreline buffers to the extent feasible. The new road extension between SE 62nd St/221st Pl SE and Lake Drive is intended to provide an additional road access between East Lake Sammamish Parkway and the Pickering Place shopping area, necessitating the crossing of Issaquah Creek and the North Fork of Issaquah Creek. The road alignment crosses perpendicular to the creeks versus a parallel alignment, minimizing the road section located within shoreline buffers.

   When designing the proposed road improvements, the project team followed City, State, and Federal requirements for mitigation sequencing; to first avoid and minimize critical area impacts before compensating for impacts. The alignment of the new road connection was adjusted to minimize impacts, and designed as an elevated structure to minimize fill impacts of wetlands, stream and floodplain critical areas. Other project improvements along existing roads include using retaining walls to avoid fill and minimize critical area impacts.

   The proposal would mitigate for direct and indirect wetland impacts and impacts to wetland and stream buffers, consistent with the City's Critical Areas Regulations and the Shoreline Master Program. The City's regulations establish mitigation/replacement ratios for impacts to wetlands, consistent with the Washington State Department of Ecology (DOE) guidance, Wetland Mitigation in Washington State – Part 1: Agency Policies and

Guidance (Ecology, 2006a).

5. *Bridges are the preferred method for crossing streams and shall be designed to span the Ordinary High Water Mark (OHWM). New roads shall be located to minimize the need for routing surface waters into and through culverts.*

   Finding - The new bridges over Issaquah Creek and the North Fork of Issaquah Creek will be designed to span the OHWM of the creeks. The new road would not require routing surface waters through culverts.

6. *New transportation facilities shall be located and designed to preclude the need for shoreline stabilization and structural flood protection.*

   Finding - The new road extension connecting SE 62nd St/221st Pl SE to Lake Drive would be elevated to allow floodwater passage, precluding the need for structural flood protection. The road improvements are minimized adjacent to Issaquah Creek and the North Fork of Issaquah Creek; therefore the roads would not require shoreline stabilization except at the bridge crossing locations.

6. *Vehicle and pedestrian circulation systems shall be designed to minimize clearing, grading and alteration of topography and natural features. Roadway and driveway alignment shall follow the natural contours and minimize width to the maximum extent feasible.*

   Finding - The road improvements have been designed to minimize clearing, grading and impacts to critical areas and natural features. The topography in the valley floor area is generally flat and the improvements would require minimal alteration of the existing topography. The "footprint" of the road improvements have been minimized by reducing the width of driving lanes, eliminating landscaping strips adjacent to the road, and consolidating bicycle and non-motorized transportation routes.

There are other SMP policies and regulations that apply to the proposed road improvements, including; water quality, critical areas, vegetation conservation, public access, archeological and cultural resources, etc. The proposed road improvements comply with the policies and standards of the SMP.

An appeal of this ASDP (Level 1) decision and Shoreline Substantial Development Permit (Level 2) must be filed with the Development Services Department Permit Center within 14 days of this notice of decision, by 5:00 PM on October 7, 2014.

Peter Rosen

Peter Rosen, Senior Environmental Planner

9/23/2014

Date

EXHIBIT LIST:

1. File and Application, ASDP13-00001, SHO13-00007
2. Roadway Improvement Plans (30% design drawings)
3. Expanded Environmental Checklist including the following information technical reports:
   1) *Roadway Improvement Plans (30% design drawings) – dated December 31, 2012*

2) *SEPA Environmental Checklist – dated December 2012*
3) *Geotechnical Report, North Issaquah Proposed Bridge, PanGEO, Inc. (Appendix A), August 2012*
4) *Draft Geotechnical Report, North Issaquah Roadway Improvements, PanGEO, Inc. (Appendix B), September 2012*
5) *Critical Areas Report and Conceptual Mitigation Plan, (Appendix C), October 2012*
6) *Cultural Resources Memorandum, ESA Paragon, (Appendix D), May 2012*
7) *Transportation Operation Analysis, Transportation Solutions, Inc., (Appendix E), October2012*
8) *SE 62nd St/4th Ave NW Roundabout Memo, Design Operations Analysis, Appendix B of Transportation Operation Analysis, October2012*
9) *12th Ave NW Alternative Improvements Memo, Appendix C of Transportation Operation Analysis, October2012*
10) *Detailed Level of Service (LOS) Tables, Appendix D of Transportation Operation Analysis, October2012*

4. Notice of Application and Notice of the Shoreline Public Meeting to adjacent properties
5. Legal notice in Issaquah Press for the Shoreline Permit and Shoreline Public Meeting.
6. Shoreline Public Meeting Minutes
7. SEPA Mitigated Determination of Nonsignificance (MDNS)